IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 22ND FEBRUARY 2007 / 3RD PHALGUNA 1928

Bail Appl..No. 1168 of 2007

CC.752/2002 of J.M.F.C.-I, KOLLAM
.....

PETITIONER

SUGUNAN,
KANNAN FINANCE & INVESTMENT,
NEAR KALLUPPALAM, KOLLAM.

BY ADV. SRI.B.S.SIVAJI

RESPONDENT: COMPLAINANT:

STATE OF KERALA,
REPRESENTED BY ITS PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 22/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.RAMKUMAR, J.

Bail Application No. 1168/2007

Dated this 22nd day of February, 2007

O R D E R

Petitioner, who is the accused in C.C. No.752/2002 on the file of the J.F.C.M-I, Kollam, for an offence punishable under Section 138 of the Negotiable Instruments Act, 1881, in respect of the cheque for a sum of Rs. 1,44,250/- (One Lakh Forty Four thousand Two hundred and Fifty Rupees) seeks anticipatory bail.

2. Admittedly, consequent on the non-appearance of the petitioner before the said Court, non bailable warrants of arrest are pending against the petitioner. Such being the position, I am not inclined to nullify the process issued by a court of competent jurisdiction by granting anticipatory bail. There is no reason why the petitioner should not surrender before the Magistrate and seek regular bail, particularly when the trial of the case has already started.

3. Accordingly, if the petitioner surrenders before the Magistrate and files an application for regular bail within ten

days from today, the same shall be considered and disposed of, preferably on the same day on which it is filed, after examining the explanation offered by the petitioner for his previous non-appearance. Until such consideration, the non bailable warrants pending against the petitioner shall not be executed.

The application is disposed of as above.

V.RAMKUMAR,
JUDGE

mrcs